

DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

General Permit No. 197800125
Name of Permittee: General Public
Effective Date: May 16, 2005
Expiration Date: December 31, 2010

**DEPARTMENT OF THE ARMY
GENERAL (REGIONAL) PERMIT**

A general permit to perform work in or affecting navigable waters of the United States and waters of the United States, upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403), and Section 404 of the Clean Water Act (33 U.S.C. 1344), is hereby modified and renewed by authority of the Secretary of the Army by the

District Engineer
U.S. Army Engineer District, Wilmington
Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890

TO MAINTAIN, REPAIR AND CONSTRUCT BOAT RAMPS AND ASSOCIATED PIERS,
DOCKS AND MOORING PILES WITHIN NAVIGABLE WATERS AND WATERS OF THE
UNITED STATES IN THE STATE OF NORTH CAROLINA.

Special Conditions

- a. Boat ramps authorized by this Regional General Permit (RGP) shall be constructed of treated wood, concrete, steel, aluminum, broken concrete, marl, brick or rock riprap.
- b. Boat ramps authorized by this general permit will be no wider than 15 feet and will not extend farther waterward than 20 feet from the mean high water (MHW) elevation contour in tidal areas or from the normal water level (NWL) elevation contour in non-tidal areas.
- c. Piers, docks and mooring piles, authorized by this RGP must be associated with a boat ramp facility and shall conform to the following standards:
 - i. All piers or docks will be open-pile or floating structures.

- ii. Mooring piles and dolphins may be constructed of wood, metal, or pre-cast concrete.
 - iii. Piers or docks will be no wider than six (6) feet and no longer than necessary to accommodate boat ramp activities, unless the Corps determines, in writing, that a greater width is necessary for safe use, to improve public access, or to support a water dependent use that cannot otherwise occur.
 - iv. Any portion of a dock or pier, fixed or floating, extending from the main structure and six (6) feet or less in width, is a "T" or "L" section or a finger pier. Any portion of a dock or pier, fixed or floating, greater than six (6) feet wide is a platform or deck. Adjoining platforms, decks, docks and "L" and "T" sections will not have a cumulative maximum floor area larger than 400 square feet, unless the Corps determines, in writing, that a greater width is necessary for safe use, to improve public access, or to support a water dependent use that cannot otherwise occur.
 - v. Docks and piers extending over wetlands will be elevated sufficiently (minimum of 3 feet) above the wetland substrate to prevent total shading of vegetation, substrate, or other elements of the aquatic environment.
 - vi. Floating structures will be supported by material that will not become waterlogged or sink when punctured, will be installed to provide for fluctuations of water elevation, will be designed so that the structure will not rest on the bottom at any time and will be secured in such manner as to not break away.
- b. This RGP does not authorize the installation of fueling facilities on authorized structures.
- c. Excavation and/or filling of jurisdictional wetlands, seagrasses or other submerged aquatic vegetation (SAV) beds is not authorized by this general permit.
- d. Excavation and discharge of excavated or fill material waterward of the mean high water (MHW) or the normal water level (NWL) elevation contours will be limited to that necessary to establish an adequate and safe ramp slope for a boat ramp no larger than specified in Special Condition "b" above.
- e. No authorized structure will extend closer than eighty (80) feet to the near bottom edge of the Atlantic Intracoastal Waterway with the exception of official, Corps of Engineers approved "NO WAKE ZONES". In these "no wake" areas, no authorized structure will extend closer than fifty (50) feet to the near bottom edge of the Federal channel.
- f. No authorized structure will extend closer to the near bottom edge of a Federally authorized channel than the sum of three times the project depth plus two feet over-depth, plus

ten feet. (Example: 6-foot project + 2-feet over-depth = 8 feet times 3 = 24 feet + ten feet = 34 feet setback from near bottom edge of the channel.)

g. No authorized structure will extend closer to the near bottom edge of a Federally authorized small boat harbor or harbor of refuge than the sum of three times the project depth plus two feet over-depth. (Example: 6-foot project + 2-feet over-depth = 8 feet times 3 = 24 feet setback from near bottom edge of the channel.) This provision will only apply where there is no through channel passing through or connecting to the harbor.

h. This general permit does not authorize construction across or into any natural or manmade channel or water body in any manner that may adversely affect navigation by the general public.

i. No structure may be placed within 15 feet of a property line extended perpendicular to a channel without the concurrence of the adjoining property owner.

j. No structure will extend or be located farther than one-third of the way across any waterbody.

k. If the display of lights and signals on any authorized structure is not otherwise provided for by law, such lights and signals, as may be prescribed by the U.S. Coast Guard, will be installed and maintained by and at the expense of the permittee.

l. It is possible that an authorized structure may be damaged by wavewash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to ensure the integrity of the permitted structure and the safety of moored boats. The permittee will not hold the United States liable for any such damage.

m. This general permit does not authorize any structure or associated facility for a nonwater related use.

n. Structures and their attendant utilities, authorized by this general permit, located on lands subject to an easement in favor of the United States for the operation, maintenance, improvement, and enlargement of the Atlantic Intracoastal Waterway (AIWW), will be removed at the expense of the permittee, in the event that, in the judgment of the U.S. Army Corps of Engineers acting on behalf of the United States, the lands are needed at any time for any purpose within the scope of the easement. Permanent buildings will not be constructed within the easement.

o. This general permit is not applicable to any work on Atlantic Ocean beaches.

p. Individuals seeking to verify the authority for construction pursuant to this general permit should provide the appropriate Corps Regulatory field office with the following information:

- i. Name, address and telephone number of project sponsor.
- ii. Location of work, including waterbody, county and nearest community.
- iii. Characteristics of the structure, i.e., dimensions, relation to shoreline, type of construction material, etc.

General Conditions

a. Except as authorized by this general permit or any USACE approved modification to this general permit, no excavation, fill or mechanized land-clearing activities shall take place within waters or wetlands, at any time in the construction or maintenance of this project. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.

b. Authorization under this general permit does not obviate the need to obtain other federal, state, or local authorizations.

c. All work authorized by this general permit must comply with the terms and conditions of the applicable Clean Water Act Section 401 Water Quality Certification for this general permit issued by the North Carolina Division of Water Quality.

d. The permittee shall employ all sedimentation and erosion control measures necessary to prevent an increase in sedimentation or turbidity within waters and wetlands outside the permit area. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4).

e. The activities authorized by this general permit must not interfere with the public's right to free navigation on all navigable waters of the United States. No attempt will be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the authorized work for a reason other than safety.

f. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

g. The permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the affected water of the United States to its former conditions.

h. The permittee will allow the Wilmington District Engineer or his representative to inspect the authorized activity at any time deemed necessary to assure that the activity is being performed or maintained in strict accordance with the Special and General Conditions of this permit.

i. This general permit does not grant any property rights or exclusive privileges.

j. This permit does not authorize any injury to the property or rights of others.

k. This general permit does not authorize the interference with any existing or proposed federal project.

l. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or construction deficiencies associated with the permitted work

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

m. Authorization provided by this general permit may be modified, suspended or revoked in whole or in part if the Wilmington District Engineer, acting for the Secretary of the Army, determines that such action would be in the best public interest. The term of this general permit shall be five (5) years unless subject to modification, suspension or revocation. Any modification, suspension or revocation of this authorization will not be the basis for any claim for damages against the United States Government.

n. This general permit does not authorize any activity which the District Engineer determines, after any necessary investigations, would adversely affect:

(1) Rivers named in Section 3 of the Wild and Scenic Rivers Act (15 U.S.C. 1273), those proposed for inclusion as provided by Sections 4 and 5 of the Act and wild, scenic and recreational rivers established by state and local entities.

(2) Historic, cultural or archeological sites listed in or eligible for inclusion in the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 and its codified regulations, the National Historic Preservation Amendment Acts of 1980 and 1992, the Abandoned Shipwreck Act of 1987 and the Native American Graves Protection and Repatriation Act.

(3) Sites included in or determined eligible for listing in the National Registry of Natural Landmarks.

o. This general permit does not authorize any activity which will adversely affect any threatened or endangered species or a species proposed for such designation, or their designated critical habitat as identified under the Federal Endangered Species Act (16 U.S.C. 1531). Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the Corps field offices or at the following internet address: <http://www.ncnhp.org/Pages/heritagedata.html>. or <http://nc-es.fws.gov/es/es.html>. Permittees should notify the Corps if any listed species or designated critical habitat might be affected by the proposed project and may not begin work until notified by the Corps that the requirements of the Endangered Species Act have been satisfied and that the activity is authorized.

p. Permittees are advised that development activities in or near a floodway may be subject to the National Flood Insurance Program that prohibits any development, including fill, within a floodway that results in any increase in base flood elevations. This general permit does not authorize any activity prohibited by the National Flood Insurance Program.

q. The permittee must install and maintain, at his expense, any signal lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, on authorized facilities. For further information, the permittee should contact the U.S. Coast Guard Marine Safety Office at (910) 772-2191.

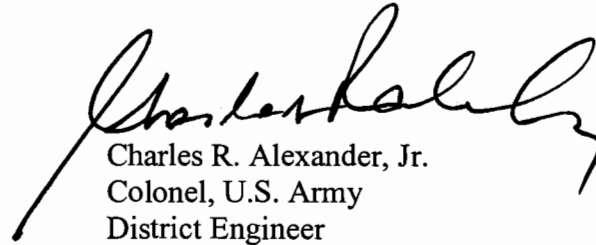
r. The permittee must maintain any structure or work authorized by this permit in good condition and in conformance with the terms and conditions of this permit. The Permittee is not relieved of this requirement if the Permittee abandons the structure or work. Transfer in fee simple of the work authorized by this permit will automatically transfer this permit to the property's new owner, with all of the rights and responsibilities enumerated herein. The permittee must inform any subsequent owner of all activities undertaken under the authority of this permit and provide the subsequent owner with a copy of the terms and conditions of this permit.

s. At his sole discretion, any time during the processing cycle, the Wilmington District Engineer may determine that this general permit will not be applicable to a specific proposal. In such case, the procedures for processing an individual permit in accordance with 33 CFR 325 will be available.

t. Except as authorized by this general permit or any USACE approved modification to this general permit, all fill material placed in waters or wetlands shall be generated from an upland source and will be clean and free of any pollutants except in trace quantities. Metal products, organic materials (including debris from land clearing activities), or unsightly debris will not be used.

u. Except as authorized by this general permit or any USACE approved modification to this general permit, all excavated material will be disposed of in approved upland disposal areas.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

A handwritten signature in black ink, appearing to read "Charles R. Alexander, Jr.", is written over the printed name and title.

Charles R. Alexander, Jr.
Colonel, U.S. Army
District Engineer